



The Task Force on Court Facilities
303 Second Street, South Tower, San Francisco, CA 94107-1366

Meeting Report
October 7 & 8, 1998
Clarion Inn, Sacramento, CA

ATTENDEES: TASK FORCE MEMBERS: PRESENT: Hon. Daniel J. Kremer, Chair Mr. Greg Abel Mr. Wylie A. Aitken Hon. Joan B. Bechtel Mr. John A. Clarke Sheriff Robert T. Doyle Mr. David Jannsen Mr. Fred Klass Hon. Michael E. Nail Hon. Wayne Peterson Hon. Charles V. Smith Mr. Eugene A. Spindler II Mr. Anthony Tyrrell Hon. Diane Elan Wick ABSENT: Ms. Yvonne Campos Hon. Jerry Eaves Hon. Martha Escutia Hon. Gary Freeman	PRESENTERS: Mr. William Crout, Deputy Director of Facilities Standards & Operations, California Board of Corrections • Mr. Joe Lopez, Colorado Judicial Department Mr. Dan Smith, DSA-Vitetta Mr. Mike Thomas, Justice Planning Associates TASK FORCE STAFF: Mr. Robert Lloyd, Project Coordinator / Senior Facilities Planner Mr. Bruce Newman, Facilities Planner CONSULTANTS TO THE TASK FORCE: Mr. Jeff Buck, Daniel, Mann, Johnson & Mendenhall Ms. Kim Steinjann, Daniel, Mann, Johnson & Mendenhall Mr. Dennis Shew, Daniel, Mann, Johnson & Mendenhall Mr. Dan Smith, DSA-Vitetta Mr. Mike Thomas, Justice Planning Associates Mr. Cliff Woodard, Justice Planning Associates Mr. Thomas Gardner, Vitetta Group GUESTS: Ms. Kellie Bieber, Orange County Mr. Rick Dostal, Orange County Mr. Dean J. Felton, San Diego Municipal Court Mr. Jeff Gately Ms. Sally Krotine, Department of Finance Mr. Drew Liebert, Assembly Judiciary Committee Mr. Rubin Lopez, California State Association of Counties Mr. Tom Lutzenberger, Department of Finance Ms. Jane Morrissey, Administrative Office of the Courts Ms. Carol Shearer, Deputy Administrative Officer, San Bernardino County
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DAY - MONDAY, October 7, 1998

I. INTRODUCTION AND WELCOME – Justice Daniel Kremer

- 1) Justice Kremer called the meeting to order at 10:05 a.m. and welcomed members of the Task Force, staff and guests.
- 2) Minutes from the July 27 & 28 Facilities Task Force meeting were approved unanimously by the Task Force.

- 3) Justice Kremer pointed out that AB 1935 was passed by the legislature and signed into law by the Governor on September 30, 1998. AB 1935 modified the Lockyer-Isenberg Trial Court Funding Act of 1997. Section 77654 restructured the interim reports required of the Task Force on Court Facilities to align them with the Work Plan approved by the Task Force at its July 27 & 28, 1998 meeting. The Task Force is now required to submit its work plan to the Governor, Legislature, and Judicial Council by October 1, 1998. The work plan was submitted. In addition, the Task Force is required to report its preliminary determinations of acceptable court facility standards in its first interim report to the Governor, Legislature and Judicial Council by July 1, 1999. The Task Force is required to complete a survey of all trial and appellate court facilities in the state and report its findings in its second interim report by January 1, 2001. The Task Force's final report is due on or before July 1, 2001, as specified in the original act.
- 4) Justice Kremer noted that the Administrative Office of the Courts' legal counsel, at the Chairs request, reviewed the Political Reform Act and recommended that the Task Force adopt a Conflict of Interest Code. The Task Force voted unanimously to adopt a such a Code. A draft Code was distributed to the members. The proposed Conflict of Interest Code will be discussed at the next Task Force meeting.
- 5) Justice Kremer proposed that the Task Force institute a public comment period at all Task Force on Court Facilities' meetings. (The public comment period does not apply to committee or working group meetings). After some discussion, the Task Force agreed unanimously to allow public comment in accordance with the following rules:
 - a) Up to 15 minutes will be available at each Task Force meeting for public comment by individuals; the chair can extend this time at his discretion.
 - b) No individual comment may exceed 3 minutes without prior approval by the chair.
 - c) Public comment by individuals will be scheduled at the end of a morning's meeting agenda.
 - d) Individual public speakers will leave their name and the topic they wish to speak on with the staff prior to the start of the meeting.
 - e) Organizations may request, in writing, speaking time on a meeting's agenda.
 - (1) Requests must be made two weeks in advance of the meeting.
 - (2) The chair must approve the request
 - (3) Up to 30 minutes will be allocated for comments by organizations with no single presentation exceeding 10 minutes
 - f) The Task Force directed staff to determine if there are legal requirements for unannounced public comment at Task Force meetings under the Brown Act or any other act. Staff was also directed to develop a proposal following the above guidelines for formal consideration at the next Task Force meeting.

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II. Committee Meetings

- 1) The Task Force adjourned into committees. Committee meeting minutes are attached.

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III. Committee Presentations to the Task Force

- 1) Standards/Evaluation Committee - Mr. Dan Smith reviewed key points of the committee's meetings earlier in the day
 - a) The committee would like to establish working groups in the following areas:
 - Courthouse Security
 - Technology
 - Unification
 - Environment / Imagery
 - b) The committee identified the following issues that needed to be resolved:
 - Clarifying the responsibilities of the different committees to eliminate overlap.
 - Defining a process for establishing working groups; including appropriate approvals.
 - How is charter defined and limited and who approves it?
 - How are members selected and who approves membership?
 - Who does the working group report to and how?
 - What is the link between working groups and the committee?

- c) The committee preferred that their meetings be held in conjunction with Task Force meetings.
- 2) **Future Needs / Projections Committee – Mr. Anthony Tyrrell reviewed the key points of the committee’s meeting earlier in the day.**
 - a) The committee expressed concern that important issues could be decided in committees and never raised to the Task Force as a body and that procedures needed to be in place to avoid this.
 - b) They questioned whether the three committees (Standards/Evaluation, Future Needs/Projections, Finance/Implementation) reflected the ideal breakdown of Task Force responsibilities. Members also expressed concern that the charters of the different committees may overlap. The members felt that the executive committee, or the Task Force needs to re-examine the charter of this committee and perhaps absorb its responsibilities into the other two committees. At the same time, they questioned whether there may be a need for some, as yet unidentified, other committees.
- 3) **Finance / Implementation Committee – Mr. David Janssen reviewed the key points of the committee’s meeting earlier in the day.**
 - a) The committee felt that ownership and associated management and maintenance of court facilities was a key element of their charter. The other key element was funding court facilities needs and identifying financial options. They noted that care must be taken in the study to ensure that any resulting recommendations treated all counties equitably; recognizing those that have invested in facilities and those that have not.
 - b) The committee was concerned about overlapping committee responsibilities; questioning whether the three established committees should be combined into two.
 - c) The committee preferred that their meetings be conducted in conjunction with Task Force meetings and that periodic joint committee meetings be conducted to ensure communication, update status, and prevent duplicating effort.
 - d) The committee also expressed concern about the impact of unification.
 - e) The committee decided that it was too early to appoint working groups.
- 4) **Summary of Discussion**
 - a) Judge Peterson suggested that each committee give summary presentations of their meetings to the Task Force as a whole.
 - b) It was decided that the Executive Committee should review the committee organization, procedures, and logistics issues.

IV. OVERVIEW OF CALIFORNIA APPELLATE COURT SYSTEM – Justice Daniel Kremer

- 1) Trial Courts try questions of fact and of law. Appellate Courts hear only questions of law; where there was an error of law in the trial. Parties to a trial have the right to appeal. Death penalty cases are automatically appealed.
- 2) The Supreme Court is an appellate court but has discretion over what cases it hears. It hears all cases related to judge discipline, the death penalty, and miscellaneous others such as Public Utilities Commission cases. There are seven justices who always sit as a group. The Supreme Court’s headquarters is in San Francisco, but it also sits in Sacramento and in Los Angeles, with special sessions elsewhere as required.
- 3) Since 1981 there have been six appellate court districts in California. There may be multiple divisions within an appellate court district. Divisions sit in panels of three justices. The districts are as follows:

	District	Locations	Divisions	Justices
1.	San Francisco	1	5	19
2.	Los Angeles	2	6	28
3.	Sacramento		1	1
4.	San Diego	3	3	10

	San Diego			9
	San Bernardino			6
	Santa Ana			6
5.	Fresno	1	1	9
6.	San Jose	1		6

- 4) The notice of appeal is filed at the same trial court where the case was originally tried. The Clerk of the trial court transmits the files and transcripts from the trial to the court of appeal. This is the end of the trial court's jurisdiction in the matter.
- 5) Attorneys file written briefs. One justice writes a tentative opinion on the case. In about half of the cases the attorneys are allowed to present oral arguments. The panel of justices convenes after oral arguments are heard and a written opinion is circulated to the clerk's files. The work product of the appellate court is a written opinion with reasons stated. The majority of justices must agree with the opinion. Opinions are posted.
- 6) Statewide statistics for 1996-97:
 - 26,000 cases disposed
 - 277 cases/justice
 - 19,000 appeals filed
 - 18,000 notices of appeal filed
 - 13,000 cases disposed of with written opinion (no oral argument)
- 7) Appellate Court Facilities:
 - a) Many appellate court facilities in California are leased.
 - b) One courtroom is required. The bench must seat 3 justices; seven if the Supreme Court will also use the courtroom. There are no juries or court reporters in appellate courts. The proceedings are recorded electronically.
 - c) Justices' chambers should be located near each other.
 - d) A substantial clerk's office is required for both the public and attorneys' use.
 - e) A substantial library with electronic access is necessary.
 - f) Conference rooms with waiting areas are desirable.
 - g) Reception area is required.
 - h) An area for videoconferencing is desirable for offsite oral arguments.

V. TOUR CAROL MILLER JUSTICE CENTER – Mr. Daniel Smith

The Carol Miller Center is a high volume traffic and small claims court located in suburban Sacramento. The court is approximately five years old. The court's presiding justice and administrative officer as well as the county's facility planner presented the history of the facility. They highlighted the positive elements of the new facility as well as problems encountered since occupancy. The county's consulting architect was also present (he was not the design architect). Three different architects were involved in the project.

The project was "design/build" and leased back from the developer by the county. The county has already exercised its purchase option and now owns the building.

Even though the court is not in the center of town, it is located central to its customer base and has proven to be very popular. The court also has a well designed children's daycare center with toilet facilities.

Many of the problems, most notably with sight lines from the bench, resulted from communication problems between the courts and the various architectural teams. Another problem was the architects' lack of experience with justice facilities. The users emphasized the need for a bench mock-up to avoid sight line problems and to create common expectations between the judges/staff and the designers/builders. They also emphasized the need for a good architectural program prior to starting design as well as formal review and "sign-off" by court staff at each stage of the design process: schematic design, design development, construction documents, and final design.

DAY 2 - THURSDAY, OCTOBER 8, 1998

VI. PHASE 2 (FACILITIES STANDARDS) PROGRESS – Mr. Dan Smith

- 1) Task 2A Data Collection is almost complete. All 50 states and the Federal Government were contacted by both telephone and written questionnaire to ascertain what court standards are in place and how they are administered. The results of the responses were distributed as a handout entitled *Questionnaire Responses*.
- 2) The existing California standard, the 1991 *California Trial Court Facilities Standards*, is very general and is not mandatory. It covers only new construction.
- 3) No standard was found for renovation projects.
- 4) Task 2B – “Past Utilization of Standards” was discussed. Ten court facilities were built in California since the 1991 standard was adopted. Three facilities are recommended for detailed follow-up to find out whether the standards were used and if they were helpful:
 - Butte County, Oroville (rural)
 - Riverside County, Indio (suburban)
 - City and County of San Francisco (urban)These facilities will be visited in November and discussed at the next committee meeting. Task Force members will be notified in advance of the facility visits and are welcome to attend.
- 5) Task 2C – “Key Issues” is where fundamental standards issues will be addressed. Decisions made here will guide the direction of the standards through completion. Basic questions include:
 - Level of detail addressed by standards
 - Mandatory or guideline standards
 - Administrative/enforcement/updating process – (Note: This task may be outside the scope of the Task Force’s work)
- 6) Mr. Dan Smith reminded the Task Force that standards which are independent of funding are not recommended; that this has been tried and failed elsewhere.
- 7) Unification and its effect on standards was discussed at length.
 - A working group of the Standards/Facility Evaluation Committee was proposed to review unification. AOC staff should be included in the group.
 - Other states may have been through this; Mr. John Clarke said that 11 states have a single jurisdiction; he suggested that Minnesota’s process is most similar to California’s.
 - Judge Wayne Peterson said that San Diego County must have a plan in place by December 1 this year. Perhaps the working group can research San Diego.
 - Mr. John Clarke reminded the Task Force that unification is voluntary and that all counties may not go this direction.
- 8) Mr. Dan Smith suggested the following working groups to support the Standards/Facility Evaluation Committee:
 - Security
 - Technology
 - Unification
 - Environmental/Imaging
 - Bundling/Unbundling (What should be in the courthouse?)
 - Access (possibly)
- 9) Sheriff Robert Doyle said that the State Sheriff’s Association has security guidelines. These will be distributed to the Task Force.
- 10) Mr. Dan Smith said there is a national association which also has standards. These will also be distributed.
- 11) Regarding access, Judge Wayne Peterson said that each county in the State is required to submit a report on this as part of its budget request for court funding. Mr. Dan Smith said that he will report on the status of this at the next Task Force meeting.

VII. CENTRALIZED COURT FACILITY MANAGEMENT USING FACILITY STANDARDS – Mr. Michael Thomas

- 1) Ms. Kelly Quinn Popejoy, Director, Court Facilities Unit, Commonwealth of Massachusetts was scheduled to make this presentation but had to cancel at the last moment. Mr. Michael Thomas, Justice Planning Associates, was familiar with Massachusetts facility planning/management and substituted for Ms. Popejoy.
- 2) The Massachusetts Court system has a number of separate court levels including Family, Juvenile, Chancery, Superior, Courts of Limited Jurisdiction, and Appellate. In 1978, Massachusetts passed legislation that took over court operations funding. In 1988, the state provided \$300 million for court facilities; subsequently taking ownership of 37 of the state's 100 court facilities.
- 3) Massachusetts created a Court Facilities Unit (CFU) within the State's Capital Unit; part of the Executive Branch of state government. Court Facility standards were also developed. The CFU established a Capital Improvement Program that ranked courts' facilities needs on case load, overcrowding, and general condition. The \$300 million was used to fund this program. Unfortunately, the funded projects exceeded the budget by \$85 million because "grossing factors" were overlooked in the planning process; \$55 million of which was subsequently funded. The state is adding \$600 million of state general funds to the program this year. Before a project is funded, the CFU hires an architect to do preliminary project planning. Three project concepts are developed before a final solution is selected. Construction documents are authorized at a later date.
- 4) The Chief Justice of Massachusetts also has a facility planner on staff who works with the CFU and the local courts in identifying needs, defining projects, and prioritizing projects. This system has worked well in identifying and managing Massachusetts court facility needs.
- 5) Massachusetts has very rigid facility standards; they are precise, not an upper or lower limit.

VIII. DECENTRALIZED COURT FACILITY MANAGEMENT USING FACILITY STANDARDS – Mr. Joe Lopez

- 1) Colorado has twenty-two judicial districts with 18 court administrators located in 63 counties. There are six levels of courts in Colorado: Water, Small Claims, Juvenile, County, District, and Appellate. The state uses fourteen person juries.
- 2) Each county is responsible for its court facilities and must provide the state with an "Annual Capital Construction Budget Report." This report also lists the counties' court facilities deficiencies. There are currently nine court projects in the state with a cost of \$350 million.
- 3) The Chief Justice has the constitutional authority to fund court projects but has never exercised this authority. The counties have exclusively funded and built court facilities.
- 4) Sales tax is a common funding mechanism for new court construction. In Brighton County a \$34 million court was funded with a ½ cent sales tax. The cost of the court was paid for in five years, before actual occupancy.
- 5) Court personnel salaries, information systems, telephones, and the probation department are paid from the state general fund. Counties are responsible for the construction cost of courthouses, court security, and facility operational costs (utilities, major maintenance, etc.) Fees and fines collected by the courts go to the counties.
- 6) Colorado's court facility standards were developed in 1963 by Space Management Consultants and subsequently adopted. A 1994 Task Force reviewed and updated the standards.

IX. LARGE CALIFORNIA FACILITY MANAGEMENT ORGANIZATION'S USE OF STANDARDS – Mr. William Crout

- 1) The Board of Corrections (BOC) sets policy on non-prison system jails and detention facilities. These are, typically, local facilities ranging from 2 to 3,000 beds. BOC facility standards are minimum requirements that are specified in Title 15 and 24 of California Code. The standards are organized into the following sections:
 - Definitions
 - Initial Planning
 - Design criteria for required spaces
 - Design criteria for furnishings

- 2) The BOC will not approve variances from the specified minimums. BOC will, however, entertain "pilot projects" for testing alternative standards. The standards are reviewed and revised every two years. Compliance with the standards is voluntary but, in practice, counties try hard to comply to avoid litigation on behalf of prisoners claiming poor living conditions. SB 90 provided authority for State bonded construction of jails. Projects funded with these bonds had to meet the minimum standards.
- 3) Standards are developed by people from the field and are intended to insure that jail facilities are "reasonable and necessary." BOC is the steward of the standards. Facilities are inspected biennially.

X. AIA INTERNATIONAL COURTHOUSE CONFERENCE & MID-ATLANTIC TOUR BRIEFING – Mr. Robert Lloyd

- 1) Mr. Lloyd gave a brief overview of the American Institute of Architects' Third International Conference on Courthouse Design held in Toronto September 10 & 11, 1998. Justice Kremer, Mr. Tyrrell, Judge Peterson and Mr. Lloyd attended based upon their responsibilities to the Task Force. Mr. Clarke was a guest presenter at the conference. A modular bench had been set-up to demonstrate integration of technology in the courtroom. This millwork bench, which included a jury box and clerk's desk, was very well made and assembled/disassembled in one-half day. Mr. Lloyd noted that temporary courtrooms could be vastly improved by installing a modular bench similar to the displayed unit and that it would be useful for a court's facility manager to have one or more units on-hand.
- 2) Mr. Lloyd gave a slide presentation of the Task Force's Mid-Atlantic tour of court facilities, September 21 – 25, 1998. Eleven of the Task Force members were able to go on all, or part, of the tour. The Task Force visited:
 - Anne Arundel County Courthouse, Annapolis, MD
 - Prince Georges County Courthouse, Upper Marlboro, MD
 - Arlington County Courthouse, Arlington, VA
 - Loudon County Court Complex, Leesburg, VA
 - Philadelphia Criminal Justice Center, Philadelphia, PA
 - Cumberland County Courthouse, Bridgeton, NJ
 - Gloucester County Courthouse, Woodbury, NJ
 The tour was designed to introduce the Task Force members to award winning courthouse design projects as well as visit older facilities with design projects in development. The Mid-Atlantic region was chosen because of the concentration of new court projects in a relatively compact geographic area. The location had the added benefit of highlighting different states' court systems and operations and how the courthouse design responded to local problems and needs.

XI. TOUR OF THIRD DISTRICT COURT OF APPEAL – Mr. Robert Liston

- 1) Mr. Robert Liston, Clerk/Administrator of the Third District Court of Appeal, met the Task Force members on the steps of the Library and Courts building. The group proceeded to the courtroom where the Third District Court of Appeal sits. The Supreme Court also holds court here twice a year. Mr. Liston explained that the justices sit as a panel (three justices for the appellate court and seven for the Supreme Court). The attorneys argue their cases from the “well” of the courtroom. A bailiff, and occasionally a CHP officer, is stationed to the right of the well. Defendants are not allowed in the courtroom so no in-custody holding facilities are required. Justices’ chambers are typically clustered in the same area by court division. Appellate justices’ chambers typically house two research attorneys and a secretary, although the Third District is testing the use of a third research attorney. The court also has a central attorney staff and court clerks.
- 2) The Library and Courts Building was built in the 1920s. Its original courtroom is often considered one of “the most beautiful” in the country. It reflects traditional courtroom design with a center, elevated bench and liberal use of millwork.
- 3) After visiting the courtroom, Mr. Liston toured the group through the Library and Courts building showing typical chambers. He then took the tour to the Library and Courts Annex, which is a four year old building that houses the clerk’s office.

XII. CLOSING REMARKS

- 1) The Task Force voted unanimously to change the date of the next meeting from November 18 & 19 to December 2 & 3, 1998. The location will remain the same, San Francisco. This action was taken to resolve a conflict with the California State Association of Counties annual meeting. Because of the CSAC meeting, the six members appointed by the Governor would not be able to attend the Task Force meeting as originally scheduled.
- 2) The meeting was adjourned at approximately 3:00 PM.
- 3) As clarification, this meeting is Task Force Meeting Number Three not Two. Task Force Meeting Number Two was the Mid-Atlantic Courthouse Tour.



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